**Defendants' Incentives for Accepting Plea Bargains**

**The most common reasons why a defendant might want to enter into a plea bargain.**

***Adapted from nolo.com***

As criminal courts become more crowded, prosecutors and judges feel increased pressure to move cases quickly through the system. Trials can take days, weeks or sometimes months, while guilty pleas can often be arranged in minutes. This provides defendants with an opportunity to negotiate a plea bargain.

**Incentives for the Defendant to Accept a Plea Bargain**

For most defendants, the principal benefit of plea bargaining is receiving a lighter sentence for a less-severe charge than might result from taking the case to trial and losing. Also, the outcome of any given trial is usually unpredictable -- but a plea bargain provides both prosecution and defense with some control over the result.

There are other benefits as well:

**Saving money.** Defendants who are represented by private counsel can save a bundle on attorneys' fees by accepting a plea bargain. It almost always takes more time and effort to bring a case to trial than to negotiate and handle a plea bargain.

**Getting out of jail.** Defendants who are held in custody -- who either do not have the right to bail or cannot afford bail, or who do not qualify for release on their own recognizance -- may get out of jail immediately following the judge's acceptance of a plea. Depending on the offense, the defendant may get out altogether, on probation, with or without some community service obligations. Or, the defendant may have to serve more time but will still get out much sooner than if he or she insisted on going to trial.

**Resolving the matter quickly.** A plea bargain provides resolution to the stress of being charged with a crime. Going to trial usually requires a much longer wait -- and causes much more stress -- than taking a plea bargain.

**Having fewer or less-serious offenses on one's record.** Pleading guilty or no contest in exchange for a reduction in the number of charges or the seriousness of the offense looks a lot better on a defendant's record than the convictions that might result following trial. This can be particularly important if the defendant is ever convicted in the future. For example, a second conviction for driving under the influence (DUI) may carry mandatory jail time, whereas if the first DUI offense had been bargained down to reckless driving, there may be no jail time for the "second" DUI.

Even for people who are never rearrested, getting a charge reduced from a felony to a misdemeanor has other benefits:

* Some professional licenses must be forfeited upon conviction of a felony.
* Future employers may not want to hire someone previously convicted of a felony.
* Felony convictions may be used in certain court proceedings (even civil cases) to discredit people who testify as witnesses.
* Felons can't own or possess firearms.
* In many jurisdictions, felons can't vote.

In addition, it is often advantageous to reduce a felony that constitutes a strike under a "three strikes" law to one that doesn't.

**Having a less socially stigmatizing offense on one's record.** Prosecutors may reduce charges that are perceived as socially offensive to less-offensive charges in exchange for a guilty plea. For example, a prosecutor may reduce a molestation or rape case to an assault. This can have a major impact on the defendant's relationship with friends and family. Perhaps even more critical, sometimes defendants convicted of stigmatizing offenses may be at a greater risk of being harmed (or killed) in prison than if they are convicted of an offense that doesn't carry the same stigma.

**Avoiding hassles.** Some people plead guilty -- especially to routine, minor first offenses -- without hiring a lawyer. If they waited to go to trial, they would have to find a good lawyer and spend both time and money preparing for trial.

**Avoiding publicity.** Famous people, ordinary people who depend on their reputation in the community to earn a living, and people who don't want to bring further embarrassment to their families all may chose to plead guilty or no contest to keep their names out of the public eye. While news of the plea itself may be public, the news is short-lived compared to news of a trial. And rarely is a defendant's background explored in the course of a plea bargain to the extent it may be done at trial.

**Keeping others out of the case.** Some defendants plead guilty to take the blame (sometimes called the "rap") for someone else, or to end the case quickly so that others who may be jointly responsible are not investigated.

**Incentives for Judges and Prosecutors to Negotiate Plea Bargains**

For a judge, the primary incentive for accepting a plea bargain is to move along a crowded calendar. Most judges simply don't have time to try every case that comes through the door. Additionally, because jails are overcrowded, judges may face the prospect of having to release convicted people before they complete their sentences. Judges often reason that using plea bargains to "process out" offenders who are not likely to do much jail time leads to fewer problems with overcrowding.

Prosecutors are also concerned about clogged calendars. Crowded calendars mean that the prosecutor's staff is overworked. Because plea bargains are much quicker and require less work than trials, they are also easier on the prosecutor's budget.